

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#41

In re PATENT APPLICATION of

Sean J. WILLEMS et al.

Application No. 09/971,114

Filed: October 5, 2001



Group Art Unit: 2163

Examiner: Unknown

Title: SYSTEM AND METHOD FOR DETERMINING THE
OPTIMUM CONFIGURATION STRATEGY FOR SYSTEMS
WITH MULTIPLE DECISION OPTIONS

* * * * *

December 28, 2001

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:—

Attached is Form PTO-1449 listing the enclosed document.

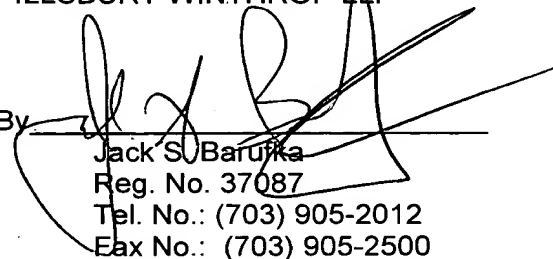
This IDS is being filed within three months of the filing date of the application and before the issuance of a first Office Action on the merits, therefore, no fee is due. Should a first Action on the merits have been issued on the same day or before this Information Disclosure Statement is filed, please accept this Information Disclosure Statement under Rule 97(c) and charge the requisite Rule 1.17(p) fee to our Deposit Account No. 03-3975 under Order No. 82106/274056 and proceed to consider this Information Disclosure Statement.

This IDS is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under Rule 97(f), to enable Applicant to comply fully.

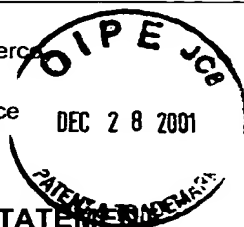
Consideration of the foregoing and enclosures plus the return of a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609 along with an early action on the merits of this application are earnestly solicited.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By 
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Atty. Dkt. No.	M#	Client Ref.
	274056	

**INFORMATION DISCLOSURE STATEMENT
 BY APPLICANT**

Applicant: Sean P. WILLEMS
Appln. No.: 09/971,114
Filing Date: October 5, 2001

Date: December 28, 2001	Page 1 of 3	Examiner: UNKNOWN	Group Art Unit: 2163
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U.S. PATENT DOCUMENTS

Examiner's Initials*		Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	AR	4,827,423	05/1989	Beasley et al.			
	BR	4,887,206	12/1989	Natarajan			
	CR	5,063,506	11/1991	Brockwell et al.			
	DR	5,089,970	02/1992	Lee et al.			
	ER	5,109,337	04/1992	Ferriter et al.			
	FR	5,119,307	06/1992	Blaha et al.			
	GR	5,191,534	03/1993	Orr et al.			
	HR	5,216,612	06/1993	Cornett et al.			
	IR	5,307,261	04/1994	Maki et al.			
	JR	5,450,317	09/1995	Lu et al.			
	KR	5,608,621	03/1997	Caveney et al.			
	LR	5,655,087	08/1997	Hino et al.			
	MR	5,699,259	12/1997	Colman et al.			
	NR	5,712,989	01/1998	Johnson et al.			
	OR	5,764,519	06/1998	Tsukishima et al.			

FOREIGN PATENT DOCUMENTS

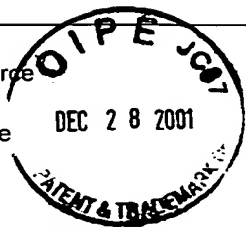
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	SR									
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OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

	VR	Graves et al., "Optimizing Strategic Safety Stock Placement in Supply Claims," Working Paper, 49 pages, January 1998			
	WR				
	XR				
	YR				
	ZR				
	AAR				
	BBR				
	CCR				

Examiner	Date Considered:
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*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



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Examiner's Initials*		Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	AR	5,765,143	06/1998	Sheldon et al.			
	BR	5,777,877	07/1998	Beppu et al.			
	CR	5,819,232	10/1998	Shipman			
	DR	5,884,300	03/1999	Brockman			
	ER	5,914,878	06/1999	Yamamoto et al.			
	FR	5,933,354	08/1999	Shimada et al.			
	GR	5,946,662	08/1999	Ettl et al.			
	HR	5,963,918	10/1999	Reagan et al.			
	IR	5,963,919	10/1999	Brinkley et al.			
	JR	5,970,476	10/1999	Fahey			
	KR	5,970,465	10/1999	Dietrich et al.			
	LR	5,974,395	10/1999	Bellini et al.			
	MR	5,983,198	11/1999	Mowery et al.			
	NR	5,995,945	11/1999	Notani et al.			
	OR	6,006,196	12/1999	Feigin et al.			

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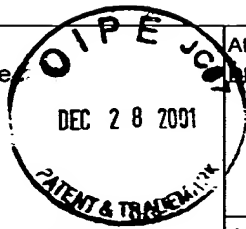
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	AR	6,044,361	03/2000	Kalagnanam et al.			
	BR	6,049,742	04/2000	Milne et al.			
	CR	6,052,669	04/2000	Smith et al.			
	DR	6,064,982	05/2000	Puri			
	ER	6,078,900	06/2000	Ettl et al.			
	FR	6,122,560	09/2000	Tsukishima et al.			
	GR	6,148,291	11/2000	Radican			
	HR	6,157,915	12/2000	Bhaskaran et al.			
	IR						
	JR						
	KR						
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	MR						
	NR						
	OR						

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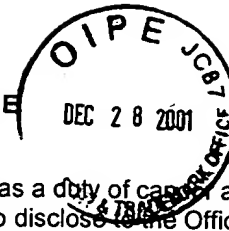
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Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b)
PATENT AND TRADEMARK CASES - RULES OF PRACTICE
DUTY OF DISCLOSURE



- (a) ... Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability... (b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

PATENT LAWS 35 U.S.C.

§102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

§103. Condition for patentability; non-obvious subject matter

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. . . .
- (c) Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

* Six months for Design Applications (35 U.S.C. 172).